

REMARKS

This paper is responsive to the Office Action mailed August 8, 2007. Claims 1-32 are currently pending. Claims 1-16, 19, and 25 have been amended. Support for the amended claims can be found in the specification, and therefore, no new matter has been added. Reconsideration and withdrawal of the rejections are respectfully requested in view of the foregoing amendments and following remarks.

Claim Rejections Under 35 U.S.C. §102

Claims 14-18 are rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Publication No. 2004/0176067 to Lakhani *et al.* (hereinafter "Lakhani").

While Applicant respectfully disagrees with these rejections and does not acquiesce to the reasoning provided by the Examiner, claims 14-16 have been amended in order to clarify certain differences between the claimed invention and the cited reference, and to further prosecution in the present case. As will be discussed below for each of the applicable independent claims, the cited reference fails to teach or suggest each and every element of the invention recited by claims 14-18, thereby precluding anticipation of the claimed invention by the relied-upon reference.

Independent claim 14

Claim 14 has been amended to further recite an additional billing service. As amended, claim 14 recites a billing extension module coupled to a carrier's application to support billing operations, the billing extension module operable to perform billing services at the beginning of a billing event or at the end of a billing event or both, wherein the billing services include the services selected from the group consisting of: a) *communicating with an external billing module to rate the event and authorize billing for the event*, wherein the authorization further comprises determining if an account has sufficient funds for the cost of the event; b) logging charge detail records; c) determining the cost of a billable operation; d) checking for funds in an account; e) reserving funds for an account; f) debiting funds from an account; and g) crediting funds to an account (*emphasis added*).

Lakhani discloses a method and system for Short Message Service Rating (SMS) (see Lakhani abstract). The method and system of Lakhani rates real-time messages before they are submitted for delivery using its internalized Rating Rules (RR) (see paragraphs [0019] and [0020]). The method and system of Lakhani makes requests to a Open Charging (OC) middle-ware platform and gateway system to ensure prepaid subscribers have sufficient funds in the prepaid account (see paragraphs [0028] and [0029]). As such, Lakhani fails to teach or suggest each and every element of the present invention as recited in claim 14 as amended by this response. For example, claim 14 recites communicating with an external billing module *to rate the event* and authorize billing for the event (*emphasis added*). In contrast, the method and system of Lakhani rates the messages using its internalized Rating Rules.

Therefore, it is submitted that for at least the reasons set forth above, claim 14 is allowable over the cited art. Accordingly, Applicant respectfully requests that this rejection be withdrawn.

Independent claim 15 (dependent claims 16-18)

Claim 15 has been amended to further clarify the nature of the communication between the billing extension module and the remote billing server. As amended, claims 15 recites a system for providing mobile messaging billing services comprising: a) a mobile application server; b) a billing extension module application coupled to the mobile application server; c) one or more remote billing servers; and d) a real-time client billing library operable to provide communications between the billing extension module and the remote billing server, *the communications comprising requested mobile application operation information for use by a remote billing server to estimate a cost for a requested mobile application service (emphasis added)*.

The disclosure of Lakhani is discussed above. As such, Lakhani fails to teach or suggest each and every element of the present invention as recited in claim 15 as amended by this response. Lakhani at least fails to teach a real-time client billing library operable to provide communications between the billing extension module and the remote billing server, the communications comprising requested mobile application operation information for use by a

remote billing server to estimate a cost for a requested mobile application service. In contrast, as discussed above, the method and system of Lakhani rates the messages using its internalized Rating Rules.

For at least the reasons set forth above, it is submitted that claim 15 is allowable over the cited art. Claims 16-18 properly depend from claim 15 and are therefore similarly allowable. Accordingly, Applicant respectfully requests that these rejections be withdrawn.

Claim Rejections Under 35 U.S.C. §103

Claims 1-13, 19-26, and 28-32 are rejected under 35 U.S.C. §103(a) as being unpatentable over Lakhani in view of U.S. Publication No. 2003/0017819 to Bantz *et al.* (hereinafter "Bantz").

While Applicant respectfully disagrees with the rejections and do not acquiesce to the reasoning provided by the Examiner, in order to expedite prosecution, claims 1-13, 19, and 25 have been amended to clarify certain differences between the claimed invention and the cited references. As will be discussed in greater detail below for each of the independent claims, the cited references, either alone or in combination, fail to teach or suggest each and every element of the invention as recited in the claims, and therefore the claimed invention is not rendered obvious by the relied-upon references.

Independent claim 1 (dependent claims 2-13)

Claim 1 has been amended to further clarify the claimed method. As amended, claims 1 recites a method of billing for a service provided to a user of a mobile device, the method comprising: a) monitoring messages being exchanged between an application and the user; b) identifying a billable event in the monitored messages; c) when the event is identified, *communicating with an external billing module to rate the event and authorize billing for the event*, wherein the authorization further comprises determining if the user has sufficient funds for the cost of the event (*emphasis added*).

The disclosure of Lakhani is discussed above with reference to the rejection of claims 14-18. It is submitted that Lakhani fails to teach or suggest each and every element of the

present invention as recited in claim 1 as amended by this response. Lakani at least fails to teach communicating with an external billing module to rate the event and authorize billing for the event. In contrast, as discussed above, the method and system of Lakhani rates the messages using its internalized Rating Rules.

Bantz fails to provide the teachings missing from Lakhani. Bantz discloses a method, apparatus, and computer implemented instructions for managing the providing of services in a data processing system. In Bantz, a request for a service is received from a client, whose location is then ascertained. Once the requesting client's location is ascertained, a determination is made as to whether to provide the requested service. If the service is provided, the client is then billed for the service based upon the location of the client (see Bantz abstract). As such, Bantz fails to teach or suggest elements of the present invention that are missing from Lakhani. Bantz at least fails to teach communicating with an external billing module to rate the event and authorize billing for the event. In contrast, the process disclosed in Bantz involves sending a query regarding the client to a credit service, wherein the query may include a potential or estimated charge (see paragraph [0046]). As such, the credit service of Bantz does not rate the event.

For at least the reasons set forth above, Applicant respectfully submits that independent claim 1 and associated dependent claims 2-13, are not taught or suggested by the combination of Lakhani and Bantz, and as a result the claimed invention is not rendered obvious by that combination of references. Accordingly, Applicant respectfully requests that the rejections of claims 1-13 be withdrawn.

Independent claim 19 (dependent claims 20-24)

Independent claim 19, as amended by this response, recites elements that are similar to certain elements recited in amended claim 1. As discussed above with reference to claim 1, the cited art does not teach these elements. Thus, it is submitted that claim 19 is allowable over the cited art for at least the same reasons as claim 1, as well as on its own merits. Claims 20-24 depend from claim 19 and are allowable for at least this reason. Accordingly, Applicant respectfully requests that these rejections be withdrawn.

Independent claim 25 (dependent claims 26 and 28-32)

Claim 25 has been amended to further clarify the claimed method. As amended, claims 25 recites a method for providing billing services for mobile applications comprising: a) creating billing records from billing-related information that is collected from mobile messages, *the information for use by an external billing server to determine a cost for the mobile message*; b) sending the billing records to a billing application that is coupled to the messaging application; c) converting billing record data into data structures; d) converting the data structures into requests for the billing server; e) sending the requests to the billing server; and f) receiving responses to the requests from the billing server (*emphasis added*).

As such, similar to claim 1 discussed above, claim 25 recites features that involve the external rating of the cost of the message or service. As discussed above with reference to claim 1, the cited art does not teach these features. Thus, it is submitted that claim 25 is allowable over the cited art for at least the same reasons as claim 1, as well as on its own merits. Claims 26 and 28-32 depend from claim 25 and are allowable for at least this reason. Accordingly, Applicant respectfully requests that these rejections be withdrawn.

Claim 27 is rejected under 35 U.S.C. §103(a) as being unpatentable over Lakhani in view of Bantz as applied to claim 25 above, and further in view of U.S. Publication No. 2003/011044 to Nix et al. (hereinafter "Nix").

Nix discloses a distributed resource metering system for billing. The system of Nix provides substantially real time billing data to a display regarding services used (see Nix abstract).

Claim 27 depends from claim 25. The rejection of claim 27 is premised on the assertion that the combination of Lakhani and Bantz discloses the elements recited in claim 25.

As discussed above, however, the combination of Lakhani and Bantz do not disclose or suggest all of the elements recited in claim 25. As best understood, Nix does not provide any teaching or suggestion that would remedy this deficiency.

Therefore, it is respectfully submitted that the rejection of claim 27 cannot be maintained. It is further submitted that claim 27 is patentable for the reasons discussed above

with respect to claim 25, as well as on its own merits. Accordingly, Applicant respectfully requests that this rejection be withdrawn.

CONCLUSION

In view of the foregoing, Applicant believes all claims now pending in this application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 206-467-9600.

Respectfully submitted,

Dated: _____

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